

Notice of Allowability

Application No.

08/866,279

Examiner

Anne-Marie Falk, Ph.D.

Applicant(s)

DYMECKI, SUSAN M.

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed 12/23/03.
2. ☒ The allowed claim(s) is/are 1, 52, 55-59 and 62-65.
3. ☒ The drawings filed on 5/30/97 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Anne-Marie Falk
Anne-Marie Falk, Ph.D.
Primary Examiner
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EXAMINER'S AMENDMENT

The amendment filed December 23, 2003 has been entered. Claims 2-21, 50, and 51 have been cancelled.

Claims 1, 52, 55-59, and 62-65 remain pending.

The following informal Examiner's amendments were made February 17, 2004. Authorization from Applicants is not required. See MPEP 1302.04.

The application has been amended as follows:

In the Specification:

On page 9, line 11, replace "Figure 1." with --Figures 1A-C.--.

On page 11, line 9 replace "Figure 3." with --Figures 3A-C.--.

The following formal Examiner's amendment was made February 23, 2004.

During a telephone conversation conducted on February 23, 2004, Bonnie McLeod authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Claims:

59. A method of mapping the developmental fate of a cell in vivo comprising:

(a) providing a transgenic mouse comprising a genome which contains a Flp recombinase transgene under control of a tissue-specific or developmental stage specific promoter and at least two FLP recognition sequences in direct repeat orientation;

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(b) expressing the FLP recombinase transgene at a level sufficient to catalyze site-specific recombination between said FLP recognition sequences in at least one cell; and

(c) detecting said recombination in said at least one cell by detecting activation of a gene expressed from a ubiquitous promoter, wherein said gene produces a detectable product only when in recombined form, and wherein said recombination is evidence of expression of said FLP recombinase transgene in said cell or a developmental precursor to said cell.

Conclusion

Upon entry of the foregoing amendment, Claims 1, 52, 55-59, and 62-65 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne-Marie Falk whose telephone number is (571) 272-0728. The examiner can normally be reached Monday through Thursday and alternate Fridays from 10:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached on (571) 272-0804. The central official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to William Phillips, whose telephone number is (571) 272-0548.

Anne-Marie Falk, Ph.D.

Anne-Marie Falk
ANNE-MARIE FALK, PH.D.
PRIMARY EXAMINER